



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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COREY R. MILLER, : 07 Civ. 7584 (SHS)

Plaintiff, :

-against- :

ORDER

DEPARTMENT OF CORRECTIONS, *ET AL.*, :

Defendants. :

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SIDNEY H. STEIN, U.S. District Judge.

On March 5, 2009, Magistrate Judge Gabriel W. Gorenstein issued a Report and Recommendation recommending that this action be dismissed pursuant to Fed. R. Civ. P. 41(b) for failure to prosecute. As of today, the Court's records indicate that no objections have been received by plaintiff. After a *de novo* review of the Report and Recommendation, the Court adopts the recommendation of Magistrate Judge Gorenstein. Accordingly,

IT IS HEREBY ORDERED that this action is dismissed pursuant to Fed. R. Civ. P. 41(b), and defendants' motion to dismiss [17] is dismissed as moot.

Dated: New York, New York
April 13, 2009

SO ORDERED:

A handwritten signature of Sidney H. Stein in black ink.

Sidney H. Stein, U.S.D.J.